

Minutes of the Special and Regular Meeting Of January 25, 2005
Twin Pines Senior And Community Center, 1223 Ralston Avenue

SPECIAL MEETING

CLOSED SESSION - 7:15 P.M.

- A. Conference with Real Property Negotiators, Dan Rich and Karl Mittelstadt,
Regarding Purchase of Property pursuant to Government Code Section 54956.8:
APN 044-042-180

THIS SPECIAL MEETING WAS NOT HELD.

REGULAR MEETING

CALL TO ORDER 8:55 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Feierbach, Bauer, Mathewson, Metropulos

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Rich, Deputy City Attorney Zafferano, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

REPORT FROM CLOSED SESSION

Mayor Warden stated that the closed session scheduled earlier in the evening was not held.

SPECIAL PRESENTATIONS

Proclamation Honoring Columnist Jerry Fuchs

Mayor Warden presented Columnist Jerry Fuchs with a Proclamation in honor of his retirement. Mr. Fuchs stated that he never imagined that the City of Belmont would ever present him with a Proclamation. He commented that he does not miss writing his column, but does miss writing about Belmont. He noted that the ten years he lived in Belmont were the best years of his life. He stated that there is a great deal of passion among Belmont residents for their local politics. He added that he considers each of the Councilmembers his friend.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Warren Lieberman, Finance Commission Chair, announced that Finance Commissioner Bob Ledoux had recently become a grandfather.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Bauer stated that he recently attended an Environmental Quality Committee meeting with the League of California Cities in Los Angeles, where solid waste and CEQA (California Environmental Quality Association) issues were presented. He said it was a very interesting and informative meeting.

Councilmember Metropulos stated that he attended a junior high dance sponsored by VOICES, the youth leadership group in Belmont. He said it was well attended and the youngsters had a good time, and noted that it was very loud.

Councilmember Mathewson stated that C/CAG recently discussed the Bay Bridge seismic retrofit. He noted that they also held a retreat at the same meeting wherein unfunded mandates, land use, the Grand Boulevard concept, and housing were topics of discussion. He announced that the Bay Area Congestion Relief Alliance created a new publication on bicycle safety, which would be available soon at City Hall. He stated he attended his first Criminal Justice Council meeting where the Crime Report for 2003 was discussed. He also announced that \$4 million of funding was available from the Housing Endowment and Regional Trust for work-force housing.

Mayor Warden announced that a request was made of the San Mateo County Library Joint Powers Board to consider a policy regarding the addition of drive-up book drops at the libraries. He also noted that January 28 was the deadline for City of Belmont Commission applications.

AGENDA AMENDMENTS

Mayor Warden stated that he wished to add an urgency item to Section 9 (Matters of Council Interest) on tonight's agenda. He noted that the findings for adding an item were met in that the matter came to his attention after the agenda had been posted, and that there is an urgent need to address the issue. He clarified that the matter was a hearing before the San Mateo County Board of Supervisor regarding the issuance of bonds for the financing and acquisition of the French Village/Normandy Square Apartments on Old County Road. He further clarified that the Board of Supervisors postponed its vote on this matter to give the City Council the opportunity to address the issue.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, and unanimously approved by a roll call vote to add "Discussion and Direction regarding California Statewide Communities Development Authority Revenue Bonds for Fairfield Affordable Housing LLC" as an Item 9 on tonight's agenda.

Mayor Warden announced that at the request of a Councilmember and a member of the public, Items 4-C (Resolution for the Adoption of the Draft Parking Policies) and 4-F (Ordinance Amending certain sections of the Belmont Zoning Code) would be removed from the Consent Calendar for separate consideration.

CONSENT CALENDAR

Approval of Minutes of Regular Meeting of December 28, 2004.

Acceptance of Police Department/City Hall Project - January Monthly Update

Approval of Resolution 9622 to Accept and Authorize the Interim City Manager to Execute a Quitclaim Deed from the County of San Mateo for Lot 11, Block 66 of the Belmont Country Club Properties No. 4 being a Parcel within the Ralston Avenue Right-of-Way

Approval of Resolution 9623 Acceptance of Office of Traffic Safety Grant AL-0521 for Comprehensive Countywide DUI Traffic Enforcement/Education, Seat Belt Safety Program and Awarding the City of Belmont with a Fully Outfitted Police Motorcycle, Safety Helmet and Reimbursement for Overtime Costs associated with the Grant.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, the Consent Agenda, as amended, was unanimously approved by a show of hands.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution for the Adoption of the Draft Parking Policies

Councilmember Mathewson expressed a concern that allowing parking on curves would force drivers to cross the double-yellow line. He noted that parking restrictions have been placed on streets where this situation may occur.

Public Works Director Davis clarified that parking can be prohibited when only one of the three criteria contained in the policy is met, not that all three must be met.

In response to Councilmember Feierbach, Public Works Director Davis clarified that parking issues on Belmont Canyon Road and North Road were awaiting passage of these policies, and that they would be brought to Council for action on February 22.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, Resolution 9624 Adopting Parking Policies was unanimously approved by a show of hands.

Ordinance Amending Zoning Code Sections 4.2.10.J, 4.7.11(g), 9.5.2, 10.5.2, 11.7.1, 12.12.D, 13.5 and 14.9.2 of the City of Belmont Zoning Code, amending the procedures for providing notice of administrative decisions to include notification to the Planning Commission and City Council (2nd reading and adoption).

Judi Allen, Alameda de las Pulgas, expressed concerns regarding the notification process. She recommended that the Council require that mail sent to property owners be mailed via certified mail/return receipt requested. She stated that she never received a hearing notice for the project adjacent to her home. She also recommended that a copy of the notice should also be sent to the homeowner's association. She further expressed concerns regarding administrative approval.

Community Development Director Ewing stated that other cities have not been surveyed regarding the form of mailing used. He clarified that this issue is not addressed by this amendment, and if desired, it would need to be addressed by the Planning Commission. He noted that this requirement would involve additional cost for the additional staff time involved, and that it was not a common practice among other cities.

Councilmember Feierbach stated that she would research other cities for information, and she may consider a future Item 9 for this issue. She noted that people often claim they did not receive notice.

In response to Councilmember Feierbach regarding the appeal fee process for this amendment, Community Development Director Ewing clarified that this amendment addressed only the issue of notification, not of call-up procedures. He noted that that could be addressed by a future amendment.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, Ordinance 1005 Amending Zoning Code Sections 4.2.10.J, 4.7.11(g), 9.5.2, 10.5.2, 11.7.1, 12.12.D, 13.5 and 14.9.2 of the City of Belmont Zoning Code, amending the procedures for

providing notice of administrative decisions to include notification to the Planning Commission and City Council, was unanimously adopted by a show of hands.

OLD BUSINESS

Discussion and Direction Regarding the Establishment of a Citizen Volunteer Program for Code Enforcement

Community Development Director Ewing stated that this program contained similar elements as that for the Police Volunteer Program, and that a variety of duties could be accomplished for code enforcement. He noted there were liabilities issues to consider and suggested the implementation of a pilot program to expand the Police Volunteer Program to include certain code enforcement activities.

In response to Council questions, Police Chief Mattei stated that the current pool of volunteers would need to be polled to determine the level of interest. He also stated that implementation of these added duties would involve additional staff time for training, and recommended a low-level approach. He noted that direct involvement in code enforcement could be problematic and time consuming.

Councilmember Feierbach commended staff for the report, and stated she would support a simple, non-confrontational program implementation, using police volunteers.

Councilmember Bauer stated that he had concerns regarding confrontational issues, and supported a small start-up program.

In response to Mayor Warden, Community Development Director Ewing clarified that Redevelopment monies could be used as long as there was a link to the Redevelopment Area to justify the use of those funds. Mayor Warden responded that the majority of this work would likely be performed in the Redevelopment Area, so he could support using those funds. He further supported a non-confrontational program and the work plan as presented.

Councilmember Mathewson stated he supported the work plan and supported the program as a way to assist Code Enforcement.

Council concurred to proceed with the work plan as presented by staff.

Discussion and Direction Regarding Proposed Amendments to Chapter 14, Belmont Municipal Code, Motor Vehicles and Traffic, Article Iii, Truck Route and Weight Limitations

Deputy City Attorney Zafferano stated that this ordinance had not been updated since 1961. He reviewed the suggested changes, including permit requirements and insurance. He noted that his office received input from the Public Works Department for the proposed amendments.

Public Works Director Davis stated that this ordinance applies to removal of materials, such as dirt, from a construction site, but that hauling materials to a construction side is exempt. He clarified that the focus is on material removal to ensure safety, and that a fee is paid to offset for potential damage. He noted that the permit outlines the approved route of travel, addresses truck

speed, and requires sprinkling of the load to minimize dust, no spillage, and the load be tarped. He noted that in certain circumstances, other requirements may include a crossing guard.

Councilmember Feierbach stated that she cannot support permits for large trucks. She also stated that the ordinance contains subjective findings, and there should be an appeal process. Public Works Director Davis responded that an appeal process is included.

In response to Councilmember Mathewson's comment regarding idling trucks at the Summerhill Homes project, Public Works Director Davis stated that had this ordinance been in effect at the time that project got under way, it could have addressed this situation. He noted that the grading of the library site was better managed as a City-sponsored project by requiring trucks to be staged off site to avoid too many vehicles idling on site at any one time.

Council and staff discussion ensued regarding specific provisions of the ordinance.

Public Works Director Davis clarified that trucks using Harbor Boulevard would need a permit, and that Alameda from San Mateo to San Carlos was not a truck route. He also stated that Ralston is the designated route for higher-weighted vehicles since larger trucks prefer not to cut through on smaller streets. In response to the suggestion to withhold issuance of a permit for a potential appeal waiting period, he stated that permits are usually issued and effective immediately, and waiting for the appeal timeline could affect project schedules.

Judi Allen, Alameda de las Pulgas, stated that changing the weight limit from three to eight tons was excessive. She noted there are no sidewalks along part of Alameda, and there is no sign on the Alameda at the border of San Mateo advising of weight restrictions. She also noted this is an enforcement issue.

Mayor Warden stated that trucks are doing business in Belmont and provide essential services. He noted that Council needed information on the various truck types and weights for comparison. He also suggested including information regarding the permits that have been issued in order to determine where to draw the line. Public Works Director Davis responded that two permits per month are issued, on average, and that staff could provide additional information regarding truck types, sizes and weights.

Councilmember Bauer noted that there have been considerable changes in truck size and weights since 1961.

NEW BUSINESS

Discussion and Direction Regarding a Work Plan for Preparation of a Noise Ordinance

Community Development Director Ewing reviewed the specific issues that could potentially be addressed in a future noise ordinance, including construction noise. He also reviewed information obtained from other cities. He outlined the proposed work plan, and suggested utilizing the information from other cities. He noted that a noise expert was not recommended at this time.

Councilmember Bauer supported the recommended timeline as proposed.

Councilmember Metropulos also supported the timeline, and supported working with other cities for information.

Mayor Warden stated that he appreciated the framework presented, and he also supported the timeline.

Councilmember Mathewson stated that Belmont was becoming more urban, and this ordinance was needed. He also supported the timeline. He thanked Planning Commissioner Horton for providing the research materials for this issue.

Council concurred with the timeline as presented, and this work should be done with input of the full Council and not on an ad hoc basis.

Judi Allen, Alameda de las Pulgas, stated that airplane noise was an issue on her street, and stated that Belmont should be a member of the Airport Roundtable.

Council advised Ms. Allen that Belmont had representation on the Roundtable.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and direction to modify section 17-4 of the Belmont City Code (Powers and Duties of Planning Commission) to include similar powers for review of administrative actions, as is given the City Council for review of Planning Commission actions specified in code section 1-11 (Warden).

Mayor Warden stated that this proposed amendment would allow the Planning Commission to call up administrative decisions in a similar fashion to the Council's ability to call up a Planning Commission decision. He noted that this is not an appeal but a review. He reviewed the current call-up process.

In response to Councilmember Bauer, Community Development Director Ewing clarified that administrative decisions included minor floor area exceptions, minor modifications to Conditional Use Permits, Planned Development Agreements, and Detailed Development Plans, as well as extension of time for permits, and color changes. He also clarified that there would be some cost involved in this call-up process, and stated the need to address this issue, if approved.

Mayor Warden stated that there is a negative cost recovery on appeals, and noted the administrative appeal fee is \$100.

Councilmember Mathewson stated that with this amendment, Council would be ceding authority to the Planning Commission to spend funds, which raised a policy issue to be considered.

Council concurred to review this matter further, and staff noted that this could take less than 20 hours of staff time.

Consideration of joint request with City of San Carlos for portable noise monitoring equipment (for San Francisco International Airport) to be temporarily located at the Midpeninsula Water District site on Shelford Avenue in San Carlos (Feierbach).

Councilmember Feierbach stated that a member of the San Carlos City Council requested a letter of support for this equipment, that she supported the joint effort as it may assist Belmont with airport noise issues, and there may be the potential for obtaining this equipment at a later date. She noted that there would be no cost to Belmont other than writing a letter.

Council concurred to send a letter of support.

Discussion and Direction regarding California Statewide Communities Development Authority Revenue Bonds for Fairfield Affordable Housing LLC (Item added to agenda as an urgency issue).

Mayor Warden stated that this issue was before the San Mateo County Board of Supervisors in support of bonds for Fairfield Affordable Housing for the purchase and rehabilitation of the French Village/Normandy Square Apartments. He noted that Board action would have supported the project, but the Board was concerned that the public was not involved in the process. He clarified that the Board continued this matter to March in order for Belmont to consider. He noted that issues involved taxes, property values, and fire and police responses, and added that a \$30 million rehabilitation of the buildings could be a positive change.

ACTION: At this time, being 10:30 p.m., on a motion by Councilmember Mathewson, seconded by Councilmember Bauer, the meeting was unanimously extended by 30 minutes by a show of hands.

Bill Dickenson, Sterling Downs Neighborhood Association President, stated that he learned about this project over a year ago. He noted that this project is under the authority of the County, that it is a HUD project (Housing and Urban Development) that would result in a decrease of \$90,000 in property taxes through a title restriction for 55 years. He stated that this loss of revenue was the biggest concern of the neighborhood.

Councilmember Feierbach stated that she had spoken with staff and Supervisor Hill about this matter, and she supported a further review of the issue. Her concerns related to crime rate and the loss of property taxes.

Councilmember Mathewson stated his concerns related to the long-term loss of property taxes, the percentage of affordable housing impact in one neighborhood. He noted this project would assist Belmont in meeting its housing element goals. He wanted to consider alternatives, and would like to compare this project with what other cities are doing regarding affordable housing projects.

Interim City Manager Rich stated that this project would require more than the 20-hour threshold. Mayor Warden stated that another project may need to be put on hold in order to expedite this.

Councilmember Bauer stated that a request could be made of the Board of Supervisors to further postpone its action on this matter.

Community Development Director Ewing stated that the question may be one of supporting or not supporting the project. He noted that the tax loss can be quantified, but other issues such as crime rates may not be quantifiable, and that there may be alternatives. He also commented that Fairfield Housing Development could provide additional input.

Council concurred to have staff look into this issue for further discussion and consideration.

ADJOURNMENT at this time, being 10:45 P.M.

Terri Cook
Belmont City Clerk

Meeting Tape Recorded and Videotaped
Tape No. 600